



TTAB

▪ 2001 South Alameda Street ▪ Los Angeles, California 90058 ▪ Phone 213. 741-8974 ▪ Fax 213. 741. 8995 ▪

April 4, 2007

BOX TTAB - FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

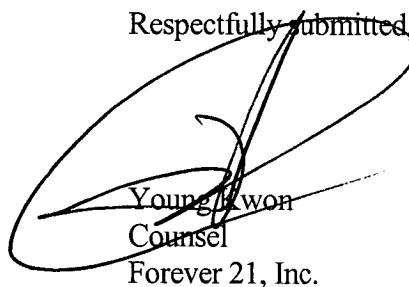
RE: Forever 21, Inc. v. Amber Waves Jewelry, LLC
Serial No.: 78/876,626
Our Reference: 06-600
Mark: FOREVER FAITH

Dear Sir/Madam:

Enclosed for filing are the following:

1. Notice of Opposition with Exhibit 1 (in triplicate);
2. Check for \$300 for Filing Fees;
3. Transmittal (in triplicate);
4. Certificate of Mailing; and
5. Return Postcard.

Respectfully submitted,


Young Kwon
Counsel
Forever 21, Inc.

04-09-2007

U.S. Patent & TMO/TM Mail Rcpt Dt: #30

ATTORNEY DOCKET NO:
MARK:

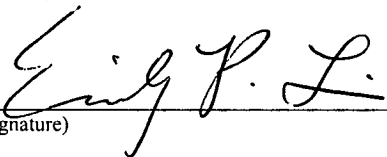
06-600
FOREVER FAITH

Certificate of Mailing

☐ I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

BOX TTAB – FEE
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P.O. Box 1451
Alexandria, VA 22313-1451

On April 4, 2007.


(Signature)

Emily Li
(Type name of person signing certificate)

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Notice of Opposition with Exhibit 1 (in triplicate);
2. Transmittal (in triplicate);
3. Check for \$300.00;
4. Certificate of Mailing; and
5. Return Postcard

Case: 06-600
Trademark Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN RE SERIAL NO. 78-876,626

FOREVER 21, INC.)	Opposition No.:
)	
Opposer,)	
)	
vs.)	
)	
AMBER WAVES JEWELRY, LLC,)	
)	
Applicant.)	
)	

04/11/2007 SWILSON1 00000057 78876626

01 FC:6402

300.00 OP

NOTICE OF OPPOSITION

BOX TTAB - FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

In the matter of the application of AMBER WAVES JEWELRY, LLC, of Tulsa, Oklahoma, (hereinafter "Applicant") for registration of the trademark FOREVER FAITH, Applicant Serial No. 78/876,626, published in the Official Gazette of December 5, 2006, at TM 532, FOREVER 21, INC., a Delaware corporation, with offices at 2001 S. Alameda Street, Los Angeles, California 90058 (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Serial No. 78/876,626, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive development, advertising, and marketing of a variety of wearing apparel products including shirts, dresses, sweatsuits, hats, shorts, skirts, and shoes, as well as textile tote bags and duffle bags; skin cleansing soaps and gels; sunglasses and eyeglasses; towels; sporting goods and jewelry. In connection therewith, Opposer has used, filed, or registered several federal applications with an intent to use, in interstate commerce, the mark FOREVER 21 and XXI FOREVER (hereinafter collectively referred to as the FOREVER TRADEMARKS) for the aforementioned goods since long prior to Applicant's filing date of the application of Serial No. 78/876,626 for the mark FOREVER FAITH.

2. Since at least as early as 1989, Opposer has made use of its FOREVER TRADEMARKS throughout the United States in interstate commerce. Since adoption of its FOREVER TRADEMARKS, Opposer has continuously used those marks throughout the United States in interstate commerce.

3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products, and has created valuable goodwill among the purchasing public under its FOREVER TRADEMARKS.

4. As a result of the continuous and extensive use of the FOREVER TRADEMARKS by Opposer, those marks have become and continue to function as a valuable business and marketing asset of Opposer, and serve to indicate to the trade and consuming public the products originating from Opposer and its authorized representative.

5. Opposer has obtained United States Trademark Registration No. 2,913,132, registered December 21, 2004, for the mark FOREVER 21 for the goods set forth in that registration.

6. Opposer has obtained United States Trademark Registration No. 2,067,637, registered June 3, 1997, for the mark FOREVER 21 for the goods set forth in that registration.

7. Opposer has obtained United States Trademark Registration No. 2,583,457, registered June 18, 2002, for the mark FOREVER 21 for the goods set forth in that registration.

8. Opposer has obtained United States Trademark Registration No. 2,836,546, registered April 27, 2004, for the mark FOREVER 21 for the goods set forth in that registration.

9. Opposer has obtained United States Trademark Registration No. 2,858,425, registered June 29, 2004, for the mark XXI FOREVER for the goods set forth in that registration.

10. Notwithstanding Opposer's rights in and to said FOREVER TRADEMARKS, Applicant, on information and belief, filed an application for registration of FOREVER FAITH on May 4, 2006 for jewelry, namely earrings, bracelets, stretch bracelets, necklaces, necklace sets, chains, rings, toe rings, brooches, busts of precious metal, cases and boxes of precious metal, charms, chokers, choker sets, tie clips, money clips, pins, pins being jewelry, lapel pins, medallions, pendants, pendant sets, novelty theme jewelry, body jewelry, and horological and chronometric apparatus and instruments namely watches, pocket watches, and timers in International Class 014.

Said application was published for opposition in the Official Gazette of December 5, 2006, at TM 532.

11. Pursuant to Trademark Rules of Practice 2.102, Opposer filed a Request to Extend Time for Filing this Notice of Opposition to April 4, 2007. A true and correct copy of notice from USPTO granting said extension of time is attached hereto as **Exhibit 1**.

12. Applicant's FOREVER FAITH mark is confusingly similar to Opposer's FOREVER TRADEMARKS and its registration and use by Applicant on the goods claimed in the subject application is likely to cause confusion, deception and mistake.

13. Applicant's use of the mark FOREVER FAITH interferes with Opposer's use of its FOREVER TRADEMARKS and use of, or registration of, the mark FOREVER FAITH by Applicant will seriously damage Opposer.

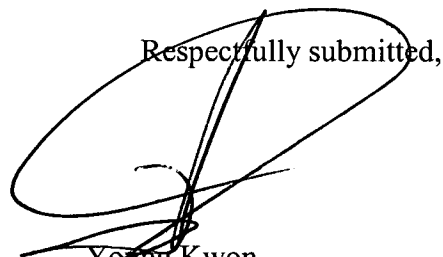
14. Opposer's FOREVER TRADEMARKS are famous marks. Applicant began use of FOREVER FAITH after Opposer's FOREVER TRADEMARKS became famous and Applicant's use of FOREVER FAITH causes dilution of the distinctive quality of Opposer's famous FOREVER TRADEMARKS.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that registration of the mark FOREVER FAITH to Applicant be denied.

The filing fee for this Opposition in the amount of \$300 (one international class) is enclosed and this Opposition is enclosed herewith in triplicate.

Dated: April 4, 2007

Respectfully submitted,


Young Kwon
Counsel
Forever 21, Inc.

Young Kwon

From: ESTTA@USPTO.GOV
Sent: Thursday, January 04, 2007 2:20 PM
To: Young Kwon
Subject: Extension of time to oppose

UNITED STATES PATENT AND TRADEMARK OFFICE Trademark Trial and Appeal Board P.O. Box 1451
Alexandria, VA 22313-1451

Young Kwon

2001 South Alameda Street
Los Angeles, CA 90058

Mailed: January 4, 2007

Serial No.: 78876626
ESTTA TRACKING NO: ESTTA118000

The request to extend time to oppose is granted until 4/4/2007 on behalf of potential
opposer Forever 21, Inc.

Please do not hesitate to contact the Trademark Trial and Appeal Board at (571)272-8500 if
you have any questions relating to this extension.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition,
petition for cancellation, notice of ex parte appeal, and inter partes filings are now
available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using
TTABVue at <http://ttabvue.uspto.gov>.

Parties should also be aware of changes in the rules affecting trademark matters,
including rules of practice before the TTAB. See Rules of Practice for Trademark-Related
Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26,
2003) (effective November 2, 2003) Reorganization of Correspondence and Other Provisions,
68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003).
Notices concerning the rules changes are available at www.uspto.gov.

EX. 1
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